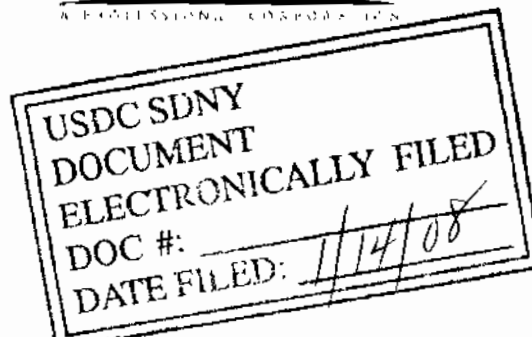


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January 10, 2008

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VIA FACSIMILE ONLY [212-805-7941]

The Honorable Loretta A. Preska  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *Williams et al. v. Twenty Ones, Inc. et al.*, Case No. 07-CV-3978  
*Pickering et al. v. The 40/40 Club et al.*, Case No. 07-CV-4798

Dear Judge Preska:

I write to follow up on a telephone conversation that I had this afternoon with Thomas White, your Judicial Law Clerk.

Concerning Plaintiffs' motion for conditional certification of an opt-in FLSA collective action, the parties have agreed to the following schedule:

Plaintiffs (both cases) shall file a joint motion for conditional certification of a collective action no later than:	January 15, 2008
Defendants shall respond to Plaintiffs' motion for conditional certification no later than:	February 29, 2008
Plaintiffs shall reply to Defendants' response no later than:	March 14, 2008

The parties are also continuing with discovery. Plaintiffs have agreed to respond to Defendant's prior document requests no later than January 15, 2008. In addition, Defendants have noticed the depositions of several plaintiffs for later this month.

As the Court is aware, Defendants filed a motion to dismiss in the *Williams* matter on July 30, 2007. In that motion, Defendants: (1) moved to dismiss the claims against individual defendants Shawn Carter and Juan Perez based on failure to state a cause of action, and (2) moved to dismiss Plaintiffs' state law claims based on jurisdictional grounds. Rather than respond to that motion, Plaintiffs filed an amended complaint. Plaintiffs' amended

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January 10, 2008  
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complaint addressed the first, but not second, issue raised by Defendants' motion. Defendants' motion to dismiss Plaintiffs' state law claims is, thus, still pending. During a Court conference held on November 20, 2007, the parties agreed that the Court may wait to rule on the motion until the issue of conditional certification of Plaintiffs' ~~Federal law claims~~ is resolved.

I hope that this letter answers any outstanding questions that the Court has concerning these matters. If not, we are available to confer by phone or in person.

Respectfully submitted,



Sara D. Sheinkin (SS-9719)

cc: D. Maimon Kirschenbaum, Esq. (via facsimile)  
Richard Burch, Esq. (via facsimile)  
Michael Shen, Esq. (via facsimile)

*1, 2 and 3 above are*

*So ordered  
Loretta A. Preska  
USDC*

*January 13, 2008*